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Attorney for the Defendant

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

United States of America,

Plaintiff,

vs.

Samuel Rappylee Bateman,

Defendant

) **Case No.: CR-22-08092-PCT-DGC**

) ***THIRD MOTION TO CONTINUE THE***
) ***TRIAL SET FOR JANUARY 10, 2023, AT***
) ***9:00 A.M. FOR A MINIMUM OF 60 DAYS***

) *The Honorable Judge David Campbell*

Defendant, through Undersigned Counsel, hereby submits to this Honorable Court, the Third Motion to Continue the Trial on January 10, 2023, at 9:00 a.m. for a minimum of 60 days. Additionally, Undersigned counsel respectfully requests that the deadline to submit motions be extended. This Motion is filed on the grounds that Counsel will be in the weeklong trial for *State v. Donovan Larriba-Tucker*; *P1300CR201801373* beginning January 10, 2023, through January 13, 2023, in the Yavapai County Superior Court, thus he will be unavailable for the above-mentioned matter. Further, Counsel will be in 3-day long trial for *State v. Edward Fitzgerald*; *P1300CR202001508* in the Yavapai County Superior Court beginning January 18, 2023, and a weeklong trial in *State v. Dennis Alcantar*; *CR2021-00135* in the Coconino County Superior Court, beginning January 24, 2023 through January 27,

2023, thus he will be unavailable in the month of January. Further, upon discussion with assigned Assistant United States Attorney Dimitra Sampson, it appears other matters may be forthcoming including the production of additional disclosure.

Dimitra Sampson was contacted and indicates that the Government does not oppose this request to continue trial and extending deadlines.

It is anticipated that excludable delay under 18 U.S.C. §3161(h)(7)(A) may result from the Court's granting of this Motion. The Defendant further agrees to waive applicable time, if so needed, as a result of this Motion to Continue Trial.

Further, the parties request an extension of the Motions deadlines in this matter to a date and time that is conducive to the requested reset of the trial.

Respectfully submitted this 9 day of December, 2022.

/s/ Adam Zickerman
Adam Zickerman
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on December 9, 2022, I electronically submitted the foregoing document to the Clerk's Office using the CM/ECF System for filing and notice will be sent to all parties by operation of the Court's electronic filing system.

/s/ McKinley Callin
McKinley Callin